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EXAMINER	
LESNIEWSKI, VICTOR D	
ART UNIT	**PAPER NUMBER**
2152	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/045,745	KUMBALIMUTT ET AL.	
	Examiner	Art Unit	
	Victor Lesniewski	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23,25-30 and 36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23,25-30 and 36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed 9/27/2005 has been placed of record in the file.

2. Claims 1, 14, 15, 21, and 36 have been amended.

3. The objection to claim 15 is withdrawn in view of the amendment.

4. The rejection of claim 14 under 35 U.S.C. 112 is withdrawn in view of the amendment.

5. Claims 24 and 31-35 have been canceled.

6. Claims 1-23, 25-30, and 36 are now pending.

7. The applicant's arguments with respect to claims 1-23, 25-30, and 36 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

Response to Amendment

8. Some claim amendments prove a change in scope to the claims. For example, independent claim 1 now explicitly states monitoring conditions on the network for any change that would indicate a need for the client computer to have new configuration settings that client computers on the network require to engage in real-time communication over the network. However, none of the amended claims show a patentable distinction over the prior art of record as described below.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 2, 4, 5, 8, 15, 17, 18, 21, 23, 25, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Giordano, III et al. (U.S. Patent Number 6,370,141), hereinafter referred to as Giordano.

11. Giordano has disclosed:

- <Claim 1>

  A method for ensuring that a client computer on a computer network is properly configured for real-time communication, the method comprising: monitoring conditions on the network for any change that would indicate a need for the client computer to have new configuration settings that client computers on the network require to engage in real-time communication over the network (column 3, lines 52-57 and column 4, lines 60-65); receiving, from the client computer, a request to be notified whenever there is a change in the required configuration settings (column 4, lines 20-22); detecting that a change has occurred in the required configuration settings, wherein the change results in new required configuration settings (column 4, lines 16-19); and transmitting the new required configuration settings to the client computer (column 3, lines 58-60).

- <Claim 2>

  A computer readable medium having stored thereon computer executable instructions for performing the method of claim 1 (column 4, line 66 through column 1, line 16).

- <Claim 4>

  The method of claim l, wherein the receiving step comprises receiving a document containing mark-up language text that includes the new required configuration settings (column 4, lines 33-39).

- <Claim 5>

  The method of claim 1, wherein the configuration settings include the network address of the server computer that the client computer needs to contact n order to set up a real-time communication session (column 3, lines 45-51).

- <Claim 8>

  The method of claim 1, wherein the client computer is currently configured for real-time communication according to a set of old configuration settings, and wherein the transmitting step comprises transmitting to the client computer changes that are to be made to the old configuration settings in order to derive the new required configuration settings (column 4, lines 16-19).

- <Claim 15>

  A system for facilitating real-time communication in a computer network, the system comprising: a client computer executing one or more programs for performing steps comprising engaging in real-time communication on the computer network (figure 1, item 10); at least one computer-readable medium having stored thereon a database, the database comprising configuration settings for allowing computers on the computer network to conduct real-time communication (figure 1, item 24 and column 3, lines 52-57); a server computer communicatively linked to the client computer, the computer-

readable medium being accessible by the server computer (figure 1, item 16), the server computer executing one or more programs for performing steps comprising monitoring the database (column 3, lines 52-57), detecting whether or not a configuration setting on the database has changed to a new configuration setting (column 4, lines 16-19), and in response to the detecting step, transmitting the new configuration setting to the client computer over the computer network (column 3, lines 58-60), wherein, in response to the transmitting step, the client computer uses the new setting to engage in real-time communication via the computer network (column 3, lines 12-24).

- <Claim 17>

  The system of claim 15, wherein the one or more programs executing on the client computer perform further steps comprising transmitting a request for the latest version of the configuration settings to the server computer (column 4, lines 20-22).

- <Claim 18>

  The system of claim 15, wherein the configuration settings include the network address of a server that the one or more programs executing on the client should use to engage in real-time communication on the network (column 3, lines 45-51).

- <Claim 21>

  A method for configuring a client computer for real-time communication on a computer network having a server computer, the method comprising: the client computer transmitting, to the server computer, a request for the configuration settings that the client computer needs in order to engage in real-time communication over the computer network, including configuration settings that the client computer needs for the purpose

of regulating access to a user by certain other users (column 3, lines 45-51 and column 4, lines 20-22); the server computer responding to the request by transmitting, to the client computer, a document containing the configuration settings, including the configuration settings that the client computer needs to regulate access to the user by certain other users (column 3, lines 58-60); the client computer automatically reading the document and implementing the configuration settings (column 3, lines 58-60); and the client computer engaging in real-time communication using the implemented configuration settings (column 3, lines 12-24).

- <Claim 23>

  The method of claim 21, wherein the step of the server computer responding to the request comprises the server computer transmitting, to the client computer, a configuration document containing configuration settings required for the client computer to engage in internet telephony (column 3, lines 58-60), wherein the step of the client computer automatically reading the document and implementing the configuration settings comprises the client computer reading the document and configuring itself to engage in internet telephony (column 3, line 67 through column 4, line 10) wherein the step of the client computer engaging in real-time communication comprises the client computer engaging in internet telephony using the configuration settings (column 3, lines 12-24).

- <Claim 25>

  A system for configuring a computer for real-time communication, the system comprising: a client computer (figure 1, item 10) executing one or more programs for

performing steps comprising: transmitting, to a server computer, a request for configuration settings required by the client computer to control real-time communication access to a user of the client computer (column 4, lines 20-22); receiving, from the server computer, a configuration document that contains the configuration settings (column 3, lines 58-60), and automatically reading the configuration document, implementing the configuration settings and controlling access to a user of the client computer based on the implemented configuration settings (column 3, lines 45-51 and 58-60).

- <Claim 30>

  A system for configuring a computer for real-time communication on a computer network, the system comprising a means for generating, for transmission from a client computer to a server computer, a request that the client computer be updated whenever configuration settings that are required by the client computer to engage in real-time communication have changed (column 4, lines 20-22); a means for monitoring conditions on the network to determine whether any changes have occurred that would require the client computer to have new configuration settings in order to engage in real-time communication over the network (column 3, lines 52-57 and column 4, lines 60-65); and a means for generating for transmission from the server computer to the client computer, the new configuration settings as part of a protocol normally used by both the server computer and the client computer to structure real-time communication between the client computer and computers with which the client computer communicates (column 3, lines 58-60).

Since all the limitations of the invention as set forth in claims 1, 2, 4, 5, 8, 15, 17, 18, 21, 23, 25, and 30 were disclosed by Giordano, claims 1, 2, 4, 5, 8, 15, 17, 18, 21, 23, 25, and 30 are rejected.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 9-13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giordano.

14. Giordano disclosed a method for configuring an Internet compatible telephone using HTML pages on a website that contain configuration information. Options or settings of the telephone are updated by downloading data from HTML pages either automatically or as directed by the user.

15. Concerning claim 9, Giordano did not explicitly state a request for a profile from a client and the transmitting of the profile to the client over the network. However, Giordano did disclose maintaining user profiles. See column 1, lines 55-60. Giordano's system already stored the profiles at the client devices, but it would be a clear extension of Giordano's system to store the profiles at a different place on the network and thus each client would request a profile when it was needed. Thus it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Giordano by adding the ability to request a

profile and transmit the profile to the client over the network. This satisfies the need for ways to minimize the memory required in client devices when modifying configurations. See Giordano, column 1, line 64 through column 2, line 4.

16. Concerning claim 12, Giordano did not explicitly state making a video conference call. However, Giordano did disclose a network used for video displays (see column 1, lines 12-17) and video conferencing was well known in the art at the time of the applicant's invention. Thus it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Giordano by adding the ability to make a video conference call.

17. Concerning claim 22, Giordano did not explicitly state linking to a configuration document from a link in an email. However, Giordano did disclose a description of HTML linking functionality (see column 1, lines 34-40) and accessing a web page via a link in an email was well known in the art at the time of the applicant's invention. Thus it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Giordano by adding the ability to link to a configuration document from a link in an email.

18. Thereby, Giordano discloses:

- <Claim 9>

  A method for configuring a client computer to engage in real-time communication on the computer network, wherein a user has logged onto the network via the client computer, the method comprising: maintaining a profile for the user, wherein the profile comprises information as to how to configure the client computer to perform real-time

communication on the network (column 1, lines 55-60); receiving, from a client program executing on the client computer, a message formatted according to a real-time communication protocol, wherein the message includes a request for the profile (obviousness); and transmitting, over the computer network, at least part of the profile to the client computer (obviousness).

- <Claim 10>

  A computer readable medium having stored thereon computer executable instructions for performing the method of claim 9 (column 4, line 66 through column 5, line 16).

- <Claim 11>

  The method of claim 9, wherein the information comprises settings that are to be used by the client computer in making an Internet telephony call (column 3, lines 12-24).

- <Claim 12>

  The method of claim 9, wherein the information includes settings that are to be used by the client computer in making a video conference call (column 1, lines 12-17 and obviousness).

- <Claim 13>

  The method of claim 9, wherein the information includes the name and network address of at least one real-time communication service provider (column 3, lines 45-51).

- <Claim 22>

  The method of claim 21, further comprising: the client computer receiving an email that includes a link to the configuration document; and the client computer activating the link in response to input from a user (column 1, lines 34-40 and obviousness).

Since Giordano discloses all of the above limitations, claims 9-13 and 22 are rejected.

19. Claims 6, 7, 14, 16, 19, 20, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giordano, as applied above, in view of Handley et al. (RFC 2543, SIP: Session Initiation Protocol), hereinafter referred to as Handley.

20. Giordano disclosed a method for configuring an Internet compatible telephone using HTML pages on a website that contain configuration information. In an analogous art, Handley disclosed a signaling protocol for creating, modifying, and terminating sessions such as Internet multimedia conferences and Internet telephone calls.

21. Concerning claim 6 and like claims, Giordano did not explicitly state the use of a message formatted according to a session initiation protocol. However, SIP was well known in the art at the time of the applicant's invention as evidenced by Handley. Furthermore, SIP is defined for networks such as Giordano's that use telephone appliances. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Giordano by adding the ability to use a message formatted according to a session initiation protocol as provided by Handley. Here the combination satisfies the need for a more advanced protocol with session descriptions that allows clients to agree on a set of compatible media types. See Handley, page 1 of 105, last paragraph.

22. Concerning claim 16, Giordano did not explicitly state the database as part of a directory service. However, SIP implements a directory service that can track the layout of the network. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Giordano by adding the ability to use a directory service

having information as to the layout of the network as provided by Handley. Again the combination satisfies the need for a more advanced protocol with session descriptions that allows clients to agree on a set of compatible media types. See Handley, page 1 of 105, last paragraph.

23. Thereby, the combination of Giordano and Handley discloses:

- <Claim 6>

  The method of claim 1, wherein the transmitting step comprises: inserting the new required configuration settings into a message formatted according to a session initiation protocol (Handley); and transmitting the message to the client computer (Giordano, column 3, lines 58-60).

- <Claim 7>

  The method of claim 6, wherein the inserting step comprises inserting into the message a block of mark-up language text that includes the new required configuration setting (Giordano, column 4, lines 33-39).

- <Claim 14>

  The method of claim 9, further comprising inserting at least part of the profile into a session initiation protocol message in the form of a block of mark-up language text, wherein the transmitting step comprises transmitting the session initiation protocol message to the client computer (Handley and Giordano, column 4, lines 33-39).

- <Claim 16>

  The system of claim 15, wherein the database is part of a directory service having information as to the layout of the network, and wherein the configuration settings are based at least in part of the layout of the network (Handley, section 1.4.5).

- <Claim 19>

  The system of claim 15, wherein the one or more programs executing on the server computer perform further steps comprising: generating a message formatted according to a session initiation protocol (Handley); and including the new configuration setting within the message, and wherein the transmitting step comprises transmitting the message to the client computer (Giordano, column 3, lines 58-60).

- <Claim 20>

  The system of claim 15, wherein the one or more programs executing on the client computer perform further steps comprising generating a message formatted according to a session initiation protocol (Handley); inserting a request to obtain the new configuration setting into the message; and transmitting the message to the server computer (Giordano, column 4, lines 20-22).

- <Claim 28>

  The system of claim 25, further comprising: a server computer executing one or more programs performing steps comprising: communicating with the client computer according to a session initiation protocol (Handley); and transmitting to the client computer, the configuration document as part of a message formatted according to the session initiation protocol (Giordano, column 3, lines 58-60).

Since the combination of Giordano and Handley discloses all of the above limitations, claims 6, 7, 14, 16, 19, 20, and 28 are rejected.

24. Claims 26, 27, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giordano, as applied above, in view of Rosenberg et al. (An XML Format for Presence Buddy Lists), hereinafter referred to as Buddy.

25. Giordano disclosed a method for configuring an Internet compatible telephone using HTML pages on a website that contain configuration information. In an analogous art, Buddy disclosed a useful format for tracking presence in a network using buddy lists.

26. Concerning claim 36 and like claims, Giordano did not explicitly state the use of an access control list that indicates the extent to which other users may contact an associated user. However, buddy lists were well known in the art at the time of the applicant's invention as evidenced by Buddy. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Giordano by adding the ability to use an access control list that indicates the extent to which other users may contact an associated user as provided by Buddy. Here the combination satisfies the need for a more flexible network where users can access their presence services from any machine. See Buddy, page 2 of 9, paragraph 3.

27. Thereby, the combination of Giordano and Buddy discloses:

- <Claim 26>

  The system of claim 25 wherein the configuration document contains a list of users and an indication of the extent to which each of the users and groups of users is permitted to monitor the presence of the user of the client computer (Buddy).

- <Claim 27>

  The system of claim 25, wherein the configuration document contains a list of other users and groups of users and an indication of the extent to which each of the users and groups

of users is permitted contact, via real time communication, the user of the client computer (Buddy).

- <Claim 36>

  A method for enabling a client computer to obtain an access control list (Buddy), the client computer having at least one associated user the method comprising: transmitting, to a server on the network, a request to be notified whenever changes are made to the access control list (Giordano, column 4, lines 20-22), wherein the access control list indicates the extent to which other users of the network may contact the associated user (Buddy); receiving from the server computer, in response to the request, a document containing updates to the access control list (Giordano, column 3, lines 58-60); implementing the updates (Giordano, column 3, lines 58-60); and engaging in real-time communication one the computer network using the implemented updates (Giordano, column 3, lines 12-24).

Since the combination of Giordano and Buddy discloses all of the above limitations, claims 26, 27, and 36 are rejected.

28. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giordano in view of Handley, as applied above, further in view of Buddy.

29. The combination of Giordano and Handley disclosed a method for configuring an Internet compatible telephone using HTML pages on a website that contain configuration information and generating messages according to SIP. In an analogous art, Buddy disclosed a useful format for tracking presence in a network using buddy lists.

30. The combination of Giordano and Handley did not explicitly state retrieving information as to the extent to which individuals or groups of individuals are permitted to monitor the presence of a user on the computer network. However, Buddy clearly defines a buddy list that offers these features as discussed above in relation to claims 26, 27, and 36. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Giordano and Handley by adding the ability to retrieve information as to the extent to which individuals or groups of individuals are permitted to monitor the presence of a user as provided by Buddy. Again the combination satisfies the need for a more flexible network where users can access their presence services from any machine. See Buddy, page 2 of 9, paragraph 3.

31. Thereby, the combination of Giordano, Handley, and Buddy discloses:

- <Claim 29>

  The system of claim 25, further comprising: a server computer (Giordano, figure 1, item 16) executing one or more programs for performing steps comprising: receiving a first message from the client computer, the message including the identity of a user of the client computer (Giordano, column 4, lines 20-22); retrieving information as to the extent to which individuals or groups of individuals are permitted to monitor the presence of the user on the computer network and to contact the user via real-time communication (Buddy); transmitting the information to the client computer in the form of mark-up language text as part of a second message formatted according to a session initiation protocol (Giordano, column 4, lines 33-39 and Handley); wherein the one or more program executed by the client computer perform further steps comprising: transmitting

the first message to the server computer in the form of a session initiation protocol message (Handley).

Since the combination of Giordano, Handley, and Buddy discloses all of the above limitations, claim 29 is rejected.

32. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Giordano in view of Rosenberg et al. (SIP Extensions for Presence Authorization), hereinafter referred to as Presence.

33. Giordano disclosed a method for configuring an Internet compatible telephone using HTML pages on a website that contain configuration information. In an analogous art, Presence disclosed a SIP extension for authorizing a client's subscription in a network.

34. Giordano did not explicitly state receiving a subscribe message formatted according to a session initiation protocol wherein the subscribe message identifies the user that is operating the client computer. However, Presence defines SIP extensions for using subscribe messages and authorizing the user of the client computer. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Giordano by adding the ability to receive a subscribe message formatted according to a session initiation protocol wherein the subscribe message identifies the user that is operating the client computer as provided by Presence. Here the combination satisfies the need for the ability to determine whether or not a subscription request will be authorized in a network. See Presence, page 2 of 10, paragraph 1. For the use of a user profile in the claim, see the above discussion of claim 9.

35. Thereby, the combination of Giordano and Presence discloses:

- <Claim 3>

  The method of claim 1 wherein the receiving step comprises: receiving a subscribe message formatted according to a session initiation protocol (Presence, page 3 of 10, paragraph "When the...this specification."); wherein the subscribe message identifies the user that is operating the client computer (Presence, page 2 of 10, paragraph 4) and wherein the message includes a request for that user's profile and wherein the profile indicates how the computer should be conducting real-time communication over the network (Giordano, column 1, lines 55-60).

Since the combination of Giordano and Presence discloses all of the above limitations, claim 3 is rejected.

Response to Arguments

36. In the remarks, the applicant has argued:

- <Argument 1>

  Giordano does not disclose the features of claim 30 because he does not disclose "monitoring conditions on the network to determine whether any changes have occurred that would require the client computer to have new configuration settings in order to engage in real-time communication over the network" as recited in claim 30.

- <Argument 2>

  Giordano does not disclose the features of claim 21 because he does not disclose "transmitting a request for the configuration settings including configuration settings that

the client computer needs for the purpose of regulating access to a user by certain other users" as recited in claim 21 and previously presented in claim 24.

- <Argument 3>

  Giordano does not disclose the features of claim 9 because he does not disclose receiving a request that includes "a request for the profile" and "transmitting at least part of the profile to the client computer" as recited in claim 9.

- <Argument 4>

  The combination of Giordano and Buddy does not disclose the features of claim 36 because it does not disclose an access control list as recited in claim 36.

37. In response to argument 1, Giordano does disclose the monitoring as recited in claim 30. The previous line citation, column 3, lines 52-57, shows the process by which options and settings are reconfigured or upgraded on the network appliance. The previous line citation, column 4, lines 60-65, shows an aspect of the reconfiguration or upgrade process that explicitly includes a monitoring function in order to determine specific variables or states for an upgrade. The applicant has stated that "an 'upgrade Web page' is simply not the same as monitoring a network or monitoring a database for changes." However, Giordano's system must determine the state of the network and the network appliances. The system must learn what upgrades are needed on a network appliance before it can offer them to the appliance through the upgrade Web page. The previous line citation explicitly states that the system's "monitoring functions may be used to determine if the Internet appliance does not include the most recent version of a particular operating element." See column 4, lines 50-65.

38. In response to argument 2, Giordano does disclose the configuration settings for regulating access as recited in claim 21. The previous line citation (cited previously under the rejection of claim 24 when the limitations in question were recited in claim 24 and cited under the rejection of claim 21 above), column 3, lines 45-51, shows examples of network appliance configuration settings used in Giordano's system. It is maintained that the stated telephone numbers, user names, profile information, etc. meets the requirements of configuration settings for regulating access as recited in claim 21. Without this information present on the network appliance, a user of Giordano's system can not access certain other numbers, users, options, and special features.

39. Furthermore, in support of argument 2, the applicant has stated that "the claimed method provides a way to, for example, control/regulate such things as whether a user is allowed to monitor another user's 'presence', whether a user is permitted to call another user via internet telephony, whether a user is to be prompted before allowing someone to monitor him or her, and the like." However, it is noted that these exemplary embodiments of the applicant's invention are not limitations of the claims. The applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

40. In response to argument 3, it is maintained that the requesting and transmitting of profile data as recited in claim 9 is obvious over Giordano. As discussed above, Giordano clearly states the reconfiguration or upgrade of options and settings on a network appliance. These settings include profile information. See column 3, lines 42-51. Although Giordano does not go into great depth about the reconfiguration or upgrade system concerning specific profile information,

it is clear that a profile for the user is maintained on the network appliance. It was well known in the art at the time of the applicant's invention that in a client-server environment, data needed by the client may be stored at either the client or the server. This is the basis for the obviousness rejection and it follows that if the system maintains a user profile this information may be stored either at the client device or the server as was well known in the art.

41. In terms of specific details of the requesting and transmitting, it has already been shown that Giordano sets forth a reconfiguration or upgrade system that allows a network appliance to request reconfiguration or upgrade information and receive the information from a web server. The applicant has stated that "claim 9 is very specific" concerning the type of profile, however, it is not clear what specifics the applicant is referring to in the claim. Claim 9 only states "maintaining a profile for the user, wherein the profile comprises information as to how to configure the client computer" which limitation is considered to be satisfied by Giordano's user profile configuration information.

42. In response to argument 4, the combination of Giordano and Buddy does disclose the access control list as recited in claim 36. The applicant has stated that the "buddy lists are not the same as applicant's access control list, in that they do not specify the extent to which other users of the network may contact the associated user." However, it is maintained that Buddy's buddy lists do meet the limitations of the claimed access control list. The buddy lists do specify the extent to which users of the network may contact each other as each user receives notification when other users come online, go offline, or have other changes in there communications states occur. For clarification, see Buddy, Introduction.

43. In addition, the applicant has argued that claims rejected under 35 U.S.C. 102 and 35 U.S.C. 103, but not explicitly discussed, are allowable based on the above arguments. Thus, claims disclosing similar limitations to the discussed claims and related dependent claims remain rejected under the same reasoning as presented above.

Conclusion

44. **THIS ACTION IS MADE FINAL.** The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VL

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BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER